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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,089	10/24/2003	Kelley Jones	SASL:013\HON	8449

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EXAMINER

LOWE, MICHAEL S

ART UNIT PAPER NUMBER

3652

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/693,089	Applicant(s) JONES, KELLEY	
	Examiner M. Scott Lowe	Art Unit 3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/8/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Kolacinski (US 2,990,213).

Re claims 1,8, Kolacinski teaches a tool 2 that could be used for lifting a CMP pad, comprising:

a jaw 20,21 having an upper jaw portion 21 (with an arcuate lower surface) and a lower jaw portion 20, the lower jaw portion having a sloped upper surface 22 that could slidably receive a portion of the pad;

a first member (12 or 13) pivotally coupled to the jaw; and

a second member 32, 33 pivotally coupled to the first member, the second member having a surface opposite to the sloped surface 30 (etc.) of the lower jaw portion and operable for clamping the portion of the pad against the sloped surface when the first member is pivoted upwards.

Re claim 2, Kolacinski teaches the upper jaw portion has an arcuate lower surface.

Re claims 3,9, Kolacinski teaches the jaw is arcuate.

Re claims 4,10, Kolacinski teaches the jaw 20,21 comprises a first half 20 coupled to a second half 21.

Re claims 5,11, Kolacinski teaches the lower jaw portion comprises a substantially flat lower surface (near 50).

Re claims 6,12, Kolacinski teaches the first member comprises a cutout 36 in which a portion of the second member is pivotally positioned.

Re claim 13, Kolacinski teaches a cap 7,8 coupled to the first member to laterally enclose the cutout.

Re claims 7,14, Kolacinski teaches the surface 31 of the second member comprises a textured surface 32.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kolacinski (US 2,990,213) in view of Krauss (US 6,086,126).

Re claim 15, Kolacinski teaches a tool 2 that could be used for lifting a CMP pad, comprising:

a jaw 20,21 having an upper jaw portion 21 (with an arcuate lower surface) and a lower jaw portion 20, the lower jaw portion having a sloped upper surface 22 that could slidably receive a portion of the pad;

a handle (12 or 13) pivotally coupled to the jaw; and

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a member 32, 33 pivotally coupled to the first member, the second member having a textured surface 32 opposite to the sloped surface 30 (etc.) of the lower jaw portion and operable for clamping the portion of the pad against the sloped surface when the first member is pivoted upwards.

Kolacinski does not teach the upper surface of the lower jaw terminating in a rounded end. Krauss teaches it is known to have an upper surface of a lower jaw 20b terminating in a rounded end. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Kolacinski to have the upper surface of the lower jaw terminating in a rounded end for safety for the operator and the gripped elements (no sharp edges for scratching).

Re claim 16, Kolacinski teaches the jaw is arcuate.

Re claim 17, Kolacinski teaches the jaw 20,21 comprises a first half 20 coupled to a second half 21.

Re claim 18, Kolacinski teaches the lower jaw portion comprises a substantially flat lower surface (near 50).

Re claims 19, Kolacinski teaches the first member comprises a cutout 36 in which a portion of the second member is pivotally positioned.

Re claim 20, Kolacinski teaches a cap 7,8 coupled to the first member to laterally enclose the cutout.

Conclusion

Applicant's arguments filed 2/8/05 have been fully considered but they are not persuasive.

Applicant argued that Kolacinski does not teach a jaw, but instead a pair of jaws. However, the dictionary definition (Meriam-Webster,s Collegiate Dictionary 10th Edition) states a jaw is "the parts constituting the walls of the mouth and serving to open and close it" as well as "something resembling the jaw of an animal". Therefore, Kolacinski meets the current claim language.

Applicant argued that Kolacinski does not teach a "first member pivotally connected to the jaw". However, first member(s) 12,13 are pivotally connected to jaw 20,21 at 10.

Applicant's arguments regarding claims 8-14 fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

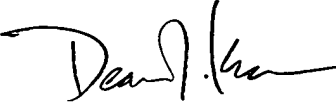
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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Scott Lowe whose telephone number is 703-305-1940. The examiner can normally be reached on 6:30am-4:30pm M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on 703-308-3248. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 3/31/05
DEAN J. LOWE
[Stamp]

msl